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SPEECH

OF

HON. S. H. WALLEY,

OF MASSACHUSETTS,

ON THE

NEBRASKA & KANSAS TERRITORIAL BILL,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

MAY 9, 1854.



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S P E E C H .

The House being in Committee of the Whole on the state of the Union, Mr. WALLEY obtained the floor and said :

Mr. CHAIRMAN : I *must* speak in relation to this bill ; would that I need not. I approach the question with pain, and grief, and self-distrust. One of the chief sources of satisfaction to me, in consenting to accept the honor of a seat in this body, was the fact that I hoped an end was put to slavery agitation in Congress, by reason of the general acquiescence of the country in the compromise measures of 1850 ; and I anticipated a pleasant session, a happy meeting of brethren, from all parts of this vast and growing Republic, assembled for the purpose of promoting the common weal, by the adoption of conciliatory measures, and the enactment of wholesome laws.

And, sir, how changed is the reality. An apple of discord has been thrown needlessly, as I believe—as millions believe—into our midst ; but it is here, not, as among the fabled goddesses, by producing discord to test beauty, but to excite sectional animosity, and in the strife which it has engendered our feelings have become enlisted, possibly excited, and our minds absorbed to such a degree that other business is much neglected, and precious time expended in worse than profitless debate ; not only so, but our constituents, sympathizing with us, and affected, of necessity, by our discussions as we are by their known opinions, are also strongly moved, and much excited.

I am fully sensible that I cannot expect to exert any influence to change gentlemen's minds on this engrossing topic ; but yet, feeble as they are, I feel compelled, from a sense of justice to myself, as well as duty to those who have so highly honored me as to authorize me to represent them upon this floor, to raise my arm and voice by way of expostulation and prevention, if perchance, the country may yet be spared the evils which I am sure would follow from the passage of this bill.

Mr. Chairman, the word *slavery* is not to be found in the Constitution of the United States. So scrupulous were the framers of that instrument in regard to this matter, that even when providing that the slave trade might cease in 1808, they use the expression " such persons

as any of the States now existing shall think proper to admit," &c.; and again, in the section which has been the theme of so much comment in relation to the reclamation of fugitives, the language is, "no person held to service or labor," &c. Why all this care and circumlocution of expression, but for the fact that, in the judgment of the wise men who framed that glorious instrument, slavery was to be of temporary existence—a spot on the escutcheon of our country which we must tolerate for a season, but which was ultimately to be rubbed off, and give place to a bright surface, enduring and pure.

John Quincy Adams said, on 6th November, 1844, in relation to the Constitution of the United States, and its compromises, as follows:

"The reluctance with which the freemen of the North submitted to the dictation of these conditions is attested by the awkward and ambiguous language in which they are expressed. The word *slave* is most cautiously and fastidiously excluded from the whole instrument. A stranger, who should come from a foreign land, and read the Constitution of the United States, would not believe that slavery or a slave existed within the borders of our country. There is not a word in the Constitution *apparently* bearing upon the condition of slavery, nor is there a provision but would be susceptible of practical execution, if there were not a slave in the land."

Daniel Webster said on March 7, 1850:

"It may not be improper here to allude to that, I had almost said, celebrated opinion of Mr. Madison. You observe, sir, that the term slave, or slavery, is not used in the Constitution. The Constitution does not require that 'fugitive slaves' shall be delivered up. It requires that 'persons bound to service in one State, and escaping into another, shall be delivered up.' Mr. Madison opposed the introduction of the term slave, or slavery, in the Constitution; for he said that he did not wish to see it recognized by the Constitution of the United States of America that there could be property in men."

Never did it enter into the minds of those wise and good men that this mooted question, which they forbore to name even, was to prove a perpetual source of strife and contention to our country, and though unnamed itself, was to be the fruitful cause of more evils to our growing and else most happy community, than all other questions combined. Yet so it is; and without criminating or recriminating one another, it is obvious that both sections of our country, free and slave, are deeply moved and greatly agitated in relation to this question.

Our country is tossed to and fro, and often heaved by the excitement thus produced. The waves run mountain high, and often threaten to engulf the ship of State, but thus far we have been able, by the blessing of Heaven upon the plans and efforts of honest and skillful pilots, North and South, to outride the storms, and make a safe harbor.

The two most severe agitations which we have experienced, have taken place in the month of March, one in the year 1820, the other in 1850.

I propose to consider the principles settled in those periods of agitation, and how we now stand affected by such settlements.

It is well known to the country that when Missouri presented herself for admission as one of the States of this Union, a bill was passed by the House of Representatives containing as part of its fourth section a proviso inhibiting slavery in such State, but stipulating that fugitives might be lawfully reclaimed, &c. Upon disagreement of the House and Senate, a conference took place, and Mr. Holmes, in behalf of the conferees, recommended that said proviso should be struck out from the fourth section, and that a provision should be added to the bill in the language of the eighth section of the act as it now stands.

The House proceeded to vote upon the question of concurrence with the Senate in so much of the said amendment as proposed to strike out from the fourth section of the bill the provisions prohibiting slavery or involuntary servitude in the contemplated States otherwise than in the punishment of crimes, and the result was—in favor of concurrence, ninety; opposed to concurrence, eighty-seven; of the ninety, two were from the State of Massachusetts, and but for their votes, Missouri must have been excluded from the Union, or been admitted as a free State. It is well known that the vote given by these gentlemen disaffected their constituents and wholly misrepresented the sentiments of their community upon the question of slavery. Much has been said during the progress of this debate as to the hostility which has been manifested towards the adjustment known as the Missouri compromise by gentlemen from the North.

It has been argued on the one hand, that the South are not bound by a regard for good faith to stand by this adjustment, inasmuch as the North have always resisted it, and never been willing to apply the line indicated in the eighth section to territory since acquired; and, on the other hand, that no adjustment was effected even at that time, because objection was made in 1821 to the admission of Missouri, in part, at least, on account of that feature in her constitution which excluded free negroes, and thereupon a new arrangement was made by the adoption of a fundamental law which formed the basis of a new compromise, by which alone the South are now bound.

Listen to the following, as evidence of the fact that the North were at that time dissatisfied with the adjustment. Extract of a letter from Washington, published in the *Columbian Centinel*, Boston, March 8, 1820:

"A bill has passed Congress to admit the State of Missouri into the Union without any restriction of the barbarous custom of slavery." * * "The committee had not been assembled but a short time before the *advocates of slave-*

ry noised it abroad that they had agreed *among themselves* upon all the great points in controversy! meaning that the all-important principle of restricting slavery in Missouri would be abandoned by the House, for the deceptive *provision* for the inhibition of slavery in the Territories, and the boon of an early admission of Maine into the Union—a grain of sand to the Andes.” * * “The threats of the slaveholders to *dissolve the Union*, and the violence of the hotspurs of the South in other particulars, have had their effect, and the great principle of freedom has been abandoned in the temple where liberty had fondly anticipated that her altar was firmly founded.”

Extract of a letter, dated New York, March 7, 1820, published in the Columbian Centinel, March 11, 1820 :

“Be it remembered that fifteen of the members of Congress who voted for striking out the restriction of slavery in Missouri, misrepresented States whose Legislatures and people have solemnly protested against the extension of slavery.”

And further let me say, that the *North never favored the admission of Missouri, except as a free State*, that she was admitted by the votes of the South, aided by a small fraction of the North who did not represent the sentiments of their constituents; that after a vote had been obtained in favor of the bill providing for the admission of Missouri, she presented herself with an objectionable feature in her constitution, without a modification of which she could not have been received; and again, that the eighth section of the act was not carried by Northern votes against the South, but by union of Northern and Southern, a portion of the North acquiescing in the proposition as it came from the committee of conference as the best thing possible, if Missouri was to be admitted as a slave State. The vote on concurrence in this case was one hundred and thirty-four yeas to forty-two nays, a part even of the forty-two in the negative being the votes of Northern men.

It is well known that the South were at the time well satisfied with the arrangement; that they considered that they had done well to procure enough Northern votes, to secure the admission of Missouri with the slavery feature, by allowing the eighth section to become a part of the bill—feeling that their gain was immediate and direct, while any advantage to the North was quite remote, and, of necessity, must be extremely uncertain. The letter of Mr. Pinckney, which has been frequently adverted to during this discussion, is directly in point in this connection :

CONGRESS HALL, March 2, 1820, }
Three o'clock at night. }

DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri and all Louisiana to the southward of 36° 30' free of the restriction of slavery, and *give the South, in a short time, an addition of six, and perhaps eight members to the Senate of the United States.* It is considered

here by the slaveholding States as a great triumph. The votes were close—ninety to eighty-six, (so the vote was declared)—produced by the seceding and absence of a few moderate men from the North. To the north of 36° 30' there is to be by the present law, restriction, which you will see by the votes I voted against. But it is at present of no moment: it is a vast tract, uninhabited, only by savages and wild beasts, in which not a foot of the Indian claim to the soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time.

With respect, your obedient servant,

CHARLES PINCKNEY.

To my mind it comes with especial ill grace from any Southern man to deny that a compromise was effected at that time; one, to be sure, which had not the entire concurrence of the South, and was not wholly repudiated by the North, but was with difficulty carried on the side of the North against the views of their constituency, while it was quite acceptable to the leading men of the South, as an arrangement, not indeed such as they would have preferred, but yet promising quite well for the future.

Nor am I less surprised at the ground assumed by honorable gentlemen of the South that the objection taken by the North in 1821 to the form of the State constitution, as presented, released them from all obligation to regard the arrangement of 1820 as any longer binding upon them.

Mr. Chairman, can gentlemen be serious, knowing as they well know that the admission of Missouri, with slavery, was so distasteful to the North that it tested the devoted of our people to the Union; knowing that by no possibility, could the admission have been accomplished without the simultaneous passage of the eighth section; knowing that a new ground of demur in 1821 was to a feature contained in the constitution, which they regarded as injuriously affecting the black population; knowing that the North have thrown no embarrassment in the way of the arrangement, as finally concurred in by the two Houses of Congress, being fairly and faithfully carried into execution? I repeat sir, can gentlemen be serious when they assert that the South is not bound by the doings of 1820 and 1821?

The honorable gentleman from Alabama, (Mr. PHILLIPS,) after reciting the facts bearing upon the Missouri compromise, adds these words:

"I have*thus, Mr. Chairman, faithfully narrated these transactions as I find them here recorded. They need no argument; for I have only to put a tongue into these pages, 'and bid them speak for me.' with all this plainly written down for our instruction, such is the force of error and prejudice, in obscuring the human mind, that we find gentlemen of intelligence and integrity repeatedly insisting upon an *agreement*, against the positive refusal of one of the parties to enter into it in 1820, or to recognize it in 1821. Sir, we cannot receive assertion for evidence, nor the repetition of falsehood for truth."

In reply, Mr. Chairman, I have one or two questions to propound. If no agreement was made, how came Missouri to be a member of this Union? Did not the House refuse to admit her without a restriction in her constitution which inhibited slavery in her limits? Was not a conference arranged between the two Houses of Congress, which proposed the settlement of this question as it was made, and as it now stands? Could the result of that conference have been accepted by the House, and Missouri been admitted, without the aid of Northern votes? Did, or did not, Southern gentlemen mean to have it understood by those from the North who voted with them to sustain the report of the committee of conference, that they made an *agreement* to accept the arrangement? Is, or is not, Missouri now in the Union as a slave State? Could she have been admitted in 1820 or 1821 as such, without the South had agreed that the territory north of 36° 30' should be forever free? And with these facts before gentlemen, I am not a little surprised at the language used on this occasion, in this and other parts of this speech, in relation to "*agreement*" and "*a breach of faith*." Yes, sir, I confess I am astonished and pained at what I can only regard as a backing out from an agreement made by those who preceeded us, and which has till this moment, for thirty-four years, inured solely to the benefit of the party which now seeks its repeal; and with the additional fact in view, that the repeal operates only against one of the parties to the arrangement, and leaves the other party in undisturbed enjoyment of all which they sought for.

Can gentlemen honestly contend that the South are absolved by the action of the North from any obligation to maintain the eighth section inviolate? When the South have enjoyed the free use of the State of Missouri, according to their desire, for fostering and maintaining the institution of slavery, without let or hindrance on the part of the North, will they pretend that it is honorable for the upholders of slavery, (whether living North or South,) to deprive the free States of the advantage guarantied to them more than thirty years since, of having a portion of territory forever dedicated to freedom?

But, says one gentleman, the North have refused to extend the principles established in 1820, and for this purpose to run out the line of 36° 30' towards the Pacific. And what does this prove? Does it establish the fact that, because the North think that a bad bargain has already been made, and which they cannot help, but are unwilling to repeat in reference to new matter, therefore the South is absolved from performance of their part of a contract, the whole of which has, for thirty years, inured to their sole benefit? How it is possible that gentlemen of honorable intentions can take any other view of this question

than that there is a binding agreement, is, I confess, past my comprehension. But, admitting that the ground assumed was tenable, and that the North had been wanting in their fidelity to the compromise of 1820, how stands the case then?

Let me recall the attention of gentlemen to the events of 1850. What was then the language of Southern gentlemen addressed to those who desired to interdict slavery in the Territories of New Mexico and Utah? They then argued that it was unnecessary to impose any restrictions, as slavery could not exist in those Territories, and it was only irritating the South without benefit to the North to insist upon attaching the Wilmot proviso. Peace and compromise was their desire.

Mr. STEPHENS, of Georgia, here interrupted the speaker.

Mr. PHILLIPS. Does the gentleman *desire* an answer to the question he has propounded?

Mr. WALLEY. The gentleman may answer or not, as he wishes.

Mr. STEPHENS. I wish to ask the gentleman from Massachusetts a question. I would inquire of the gentleman, if he maintains that the people of the North did agree that Missouri should come into the Union as a slave State, upon the condition of a perpetual exclusion of slavery north of 36° 30'?

Mr. WALLEY. I do not undertake to say that the people of the North, as a people, made any compact with the people of the South; as a people.

Mr. STEPHENS. My object is to inquire, whether he means to maintain that the Representatives of the people of the North entered into any such agreement with the Representatives of the people of the South by the act of 1820?

Mr. WALLEY. As many of the Representatives from the North in Congress as were necessary to make an agreement, and without which it could not be done.

Mr. STEPHENS. An agreement binding on both sections?

Mr. WALLEY. Binding on those who voted for it.

Mr. STEPHENS. Then I understand the gentleman, himself to back out, and not to maintain here that the North, as a section, entered into or ever recognised any such agreement.

Mr. WALLEY. I do not back out at all. I say that the North and the South were at variance. The Senate and the House were at variance. The House refused to receive Missouri without the prohibition of slavery. The Senate insisted upon the eighth section of the act as it was finally adopted. The Senate and the House, by a conference, agreed to this section, and enough members from the North united with the South to carry it. It was adopted, and became substantially a binding agreement.

Mr. STEPHENS. Binding agreement?

Mr. WALLEY. Yes, sir, binding.

Mr. STEPHENS. Binding upon whom?

Mr. WALLEY. Binding upon all honorable men.

Mr. STEPHENS. Then, when in the year following, the proposition was made to admit Missouri into the Union, upon the motion of Mr. Lowndes, who was one of those in 1820 from the South agreeing to the "line of 36° 30'," why was it that a majority of the Representatives from the North voted against the proposition, if it was a *binding agreement* upon all honorable men? I ask the gentleman from Massachusetts, why was it, when Mr. Mallory, of Vermont, moved to insert into the bill for the admission of Missouri into the Union, in 1821, a provision abolishing slavery within that State, in direct violation of the agreement of 1820, that two-thirds of the Representatives from the North voted against her admission unless she should abolish slavery within her limits?

Mr. WALLEY. Because they were always opposed to the admission of Missouri without the restriction. That is my answer. They acted consistently from beginning to end. I say now, and I say at all times, that the men from the North, in Congress, voted against this agreement; they voted against the admission of Missouri, unless she should come in as a free State, and they were consistent in so voting. They were not parties to the agreement, and were not bound by it; but those Northern gentlemen who were parties to it, were bound by it. And much more were Southern gentlemen, who voted for it almost in a body, bound by it. That is my answer to the gentleman.

Mr. STEPHENS. The North not bound by it! But the South bound by it! That is a strange sort of an agreement binding on honorable men!

Mr. KEITT. May I ask the gentleman from Massachusetts one question?

[Cries of "No!" "No!" "Go on!"]

Mr. KEITT. I only desire to ask the gentleman, whether those gentlemen who voted against the fugitive slave law, are under no obligations to stand by it?

Mr. WALLEY. Every man who loves his country will stand by the laws of his country so long as they are laws.

Mr. Stephens, of Georgia, says, in his speech, August 13, 1850:

"We hear a great deal about settlement, adjustment, compromise, harmony, and Union. Now, I am for all these."

And again:

"All that we ask, all that I ask, is for Congress to open the entire country,

and give an equal right to all the citizens of all the States to enter, settle, and colonize it with their property of every kind, *or to make an equitable division of it*. Is this wrong? Is it endeavoring to control the action of Congress improperly to carry out sectional views and interests?"

Mr. STEPHENS, of Georgia. The gentleman quotes the speech which I made in 1850. I was then in favor of the measures which he professes to be in favor of now. I would ask him, whether he maintains that there is the least inconsistency between my position then and the one I now occupy? I asked then that the common territories of the Union should be, at that time, opened to the free colonization and settlement of people from all sections of the Union, with whatever property they might have; or that that they be divided upon some just basis. The North would not divide. And now to-day I ask, in behalf of Nebraska, the same principles of settlement that were then adopted. My position is the same now as then. If the North had then stood to the principle of division, I should have abided by it.

Mr. CAMPBELL. With the permission of the gentleman from Massachusetts, I would ask my friend from Georgia whether, after all these measures were passed, he did not assist in getting up a pledge to create a new party, called the Union party, which was to denounce and oppose every man, of any of the parties, who at any time sought to disturb the settlement which had been made in 1850?

Mr. STEPHENS. I will answer the gentleman. I never got up any pledge for the organization of any new party; neither the Union nor any other party that I am aware of. I will tell the gentleman what I did. I signed a paper with others, Mr. Clay at the head of it—whether I wrote it or not I do not recollect—in which each of us who signed it pledged ourselves not to support for President or Vice President, any individual who was not committed to the maintenance of the settlement of 1850.

Mr. CAMPBELL. Or members of Congress?

Mr. STEPHENS. Yes, sir; or members of Congress.

Mr. CAMPBELL. Or members of State Legislatures?

Mr. STEPHENS. Or members of State Legislatures. I intended to make a clean sweep of it. I do not remember whether the paper was drawn up by myself or not; but I do know that I was present when it was drawn up. I know that it was intended to put down all who disturbed that settlement. As I did then I do to-day. I was for maintaining its principles then as now.

Mr. WALLEY. I shake hands with the gentleman as to the finality of the compromise measures of 1850. I came to this Congress on that platform; but I was pained and grieved to find that the moment I

reached this place, and before I had time to set down and look over the letters sent me in advance, I was told of this Nebraska plan, which was to break up the whole arrangement of 1850, and to throw this apple of discord into our midst, and rekindle the fires of slavery agitation.

Mr. STEPHENS. One further word in reply to the gentleman from Massachusetts. The present bill for the organization of the Territory of Nebraska, so far from breaking up the arrangement of 1850, is in strict conformity with the principles then established. If the gentleman from Massachusetts wishes to shake hands with me on the platform of principles of 1850, he must come out for the Nebraska-Kansas bill. We cannot shake hands on that question while I am for it and he is against it. And if he stood with me in 1850, how is it that we are opposed now?

Mr. WALLEY. Because I take issue with the gentleman as to what principles were settled by an acquiescence in the compromise measures of 1850.

Mr. TAYLOR, of Ohio. The gentleman from Georgia says that the principles of the Nebraska bill are in strict conformity with those of 1850. Now, I take issue there. This bill proposes to give to the people of the Territories the right to govern themselves without Congress.

Mr. STEPHENS. How?

Mr. TAYLOR. As a Territory. The bill to organize the Territory of New Mexico conferred it to them when they came to be a State; and if he turns to the act organizing the Territory of New Mexico, it will show it.

Mr. STEPHENS. One word in reply. The territorial bills for Utah and New Mexico provide that when the Territories are formed into States, they may come into the Union with or without slavery, as the people there may determine for themselves. This is the exact language of the present bill as to Kansas and Nebraska. When this bill was introduced into the Senate, it was identical in language with the Utah and New Mexican bills of 1850 upon the subject of slavery. The fire-brand that the gentleman from Massachusetts speaks of was kindled in the Senate; and a celebrated manifesto was put out to the country when the bill was identical in language with the legislation of 1850. Who kindled the fire-brand? The enemies of the act of 1850! I opposed them, and I oppose them now.

Mr. WALLEY. One word before I go on with the course of my remarks. I considered when I came here that the slavery agitation was not to be re-opened, but it could not fail to be re-opened by a repeal of the Missouri compromise; and that the honorable gentleman from Georgia knows, and every other gentleman here. Therefore, I say that those

who advocate a repeal of the Missouri compromise are the gentlemen who have made an infraction upon the finality of the settlement of 1850. I leave the question there.

Mr. SMITH, of Virginia. I cannot agree to be placed in any such position.

Mr. WALLEY. It is not for me to place the gentleman in any position. I give my own views, and state them frankly and fearlessly. Other gentlemen may hold their own.

Mr. SMITH. Certainly; I merely wanted to enter my protest against the gentleman's conclusion.

Mr. WALLEY. Well, Mr. Chairman, what followed? Were not all the bills passed which were then under consideration? The omnibus bill had failed, it is true; but the measures desired by the South were successful. New Mexico and Utah were admitted without restriction; the fugitive slave bill became a law, and, on the other hand, California was admitted as a free State, and the Texas boundary and District bills were passed. I do not say that they were passed together, or as compromise measures; I never so regarded the action of that Congress. But I do say, that many gentlemen of the North voted for some of those measures very reluctantly, and much against public sentiment at home, wholly from a desire to meet the wishes expressed by Union men from the South, in terms similar to those adopted by Mr. STEPHENS.

And I say, further, that, after all those measures had been passed, a strong desire was expressed by Mr. Clay, and other leading statesmen of both political parties, North and South, that the action of Congress might be considered as a *finality*, and that slavery agitation might thenceforth cease in Congress.

This had been asked in advance, and was repeated after the passage of the bills. Mr. Clay desired that the Senate might furnish a test vote upon the question of further agitation, by their action in reference to petitions for the repeal of the fugitive slave law. In accordance with his desire, those petitions were not referred, but were laid upon the table by a very decided vote of men of both parties and of both sections.

President Fillmore regarded the action of the thirtyfirst Congress as a final settlement of this question, and has always so expressed himself; so did Henry Clay and Daniel Webster, and so—as it was understood by the country before his election, and up to the time of the meeting of the present Congress—did President Pierce.

Again, as evidence that agitation was to be regarded as finally and forever put at rest, allow me to cite the declaration and pledge, which contains the name of the honorable gentleman from Georgia (Mr. STEPHENS) among many others. It reads as follows:

"The undersigned, members of the thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive to its objects, and seeing no mode by which such controversies can be avoided, except by a strict adherence to the settlement thereof effected by the compromise passed at the last session of Congress, do hereby declare their intention to maintain the same settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the friends of the measure, and to remedy such evils, if any, as time and experience may develop. And for the purpose of making this resolution effective, they further declare that they will not support for the office of President or Vice President, or of Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, AND TO THE RENEWAL, IN ANY FORM, OF AGITATION UPON THE SUBJECT OF SLAVERY HEREAFTER.

HENRY CLAY,
C. S. MOREHEAD,
ROBERT L. ROSE,
WM. C. DAWSON,
THOMAS J. RUSK,
JEREMIAH CLEMENS,
JAMES COOPER,
THOMAS G. PRATT,
WM. M. GWIN,
SAMUEL A. ELIOT,
DAVID OUTLAW,
C. H. WILLIAMS,
J. PHILLIPS PHENIX,
A. M. SCHERMERHORN,
JOHN R. THURMAN,

D. A. BOKEE,
GEORGE R. ANDREWS,
W. P. MANGUM,
JEREMIAH MORTON,
R. I. BOWIE,
E. C. CABELL,
ALEXANDER EVANS,
HOWELL COBB,
H. S. FOOTE,
WILLIAM DUER,
JAMES BROOKS,
ALEX. H. STEPHENS,
R. TOOMBS,
M. P. GENTRY,
HENRY W. HILLIARD,

F. E. McLEAN,
A. G. WATKINS,
H. A. BULLARD,
T. S. HAYMOND,
A. H. SHEPARD,
DANIEL BRECK,
JAMES L. JOHNSON,
J. B. THOMPSON,
J. M. ANDERSON,
JOHN B. KERR,
J. P. CALDWELL,
EDMUND DERBERRY,
H. MARSHALL,
ALLEN F. OWEN.

This state of things gave rise to the formation of a party at the North called the compromise party—not separating themselves from party associations for other purposes, but upon the question of slavery agitation, taking the ground that they acquiesced in the doings of the Congress of 1850 as a final settlement of these questions, and they acted accordingly.

The gentleman from Kentucky (Mr. BRECKINRIDGE) thought fit to speak reproachfully of Boston as being the spot where the putative father of the Nebraska bill was hung in effigy—regarding the community there, who are as order-loving and law-abiding as any in the civilized world, as responsible for the acts of a few miscreants under the shelter of night—but forgetting the manner in which the citizens of Boston, by a volunteer enrollment, testified their willingness to protect the United States officers in the execution of a law which was extremely odious and unpalatable, and regarded by many as unjust and unconstitutional. In the gentleman's summary disposal of Boston and of New England, yes, and of New York, making his bow to Pennsylvania, and throwing himself into the outstretched arms of the West,

he forgot that many men at the North had well nigh ostracised themselves at home in the strong desire they felt, by an acquiescence in this new compromise, and by conceding so much to the South, to preserve harmony, good faith, and the integrity of the Union.

Many men were willing, for the sake of peace, to regard the measures of 1850 as a finality, who would not have voted for some of those measures. But they having been passed, and being law, these men were ready to peril all which they held dear in their support. How, then, must such men stand affected by the present aspect of things, in which the South deny that they are bound by the compromise of 1820; taunt the North with having been unwilling to apply the principles of the compromise of 1820 to other territory; again in 1850 ask the North to abide by the measures of that session as a final settlement; and now, of their own accord, led on by a Northern man against the known wishes of the great body of the North, as expounded by petitions, remonstrances, State resolves, instructions, requests, and most most significantly by elections in Maine, New Hampshire, Rhode Island, Connecticut, and Michigan, re-open the question and demand a repeal of an arrangement forced upon the North against their wishes by the South, with the aid of a few Northern votes?

Mr. RICHARDSON, (interrupting.) I only desire to say, for myself, and the Senator from my State, (Mr. DOUGLAS,) that we owe no more allegiance to the North than we do to the South. He represents the State of Illinois, and I a district in that State. He is responsible to that State; I am responsible to my district. When I prove faithless to the people I represent, I shall obey their summons, whenever it comes, or let some one else, who understands their wishes better than I do, represent them.

Mr. WALLEY. I had no reference to the honorable gentleman from Illinois, (Mr. RICHARDSON,) I was not thinking of him at all when I made the allusion which gave rise to the interruption. (Laughter.)

Mr. Chairman, we are told that the South did not *impose* the eighth section upon the country. This is true, and not true. It is true that they did not desire it, but that they were willing to accept it as the best arrangement they could make. But, say they, again the North got the lion's share. The South did not think so then; Mr. Pinckney did not so regard it. Had it not been to quiet the agitation of the country, certainly the share they obtained would not have been yielded in 1820.

And I go further; I affirm that there is no reason for applying the same principle to other territory, because to urge the existence of such a reason, assumes that the North, as a body, favored the settlement in

1820, which is an error, and therefore the North were at liberty to oppose any further application of the principle.

It comes to this, that though the South, as a body, voted for the Missouri bill, which became a law by means of their votes, and could not have been passed except as a whole; that because some did not vote for it, and always opposed it, yet that the South are at liberty to enjoy the fruits of it for thirty years, and then coolly to say to those Northern men who ostracized themselves to aid the South in a division of the territory: Gentlemen, we made no bargain; we waived our constitutional scruples at the time, as our recorded votes show; but it was only to secure our object at the time, and make you believe that we were in earnest; but now we intend, by the aid of aspiring men at the North, to get possession for slavery of that part of our common country, which, by Southern votes, as well as by Northern, has been solemnly dedicated to freedom.

But suppose, for the sake of argument, and not because we admit the correctness of the position, we concede that there was no agreement, express or implied, in 1820, and if there was, that it has been violated, and add to this that the North have refused to carry out this line, on some occasions, when requested to do so, *and what does all this prove?* Were we not requested, in the year 1850, to treat by-gones as such, and to forget past grievances, and henceforth to unite with the South in efforts to eschew all agitation of the slavery question? And pray, Mr. Chairman, who has revived it? Not the Whigs; nor even the Freesoilers in Congress. What said the President in his last annual message?

"When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension." * * * * "Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But notwithstanding differences of opinion and sentiment which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. *That this repose is to suffer no shock during my official term, if I have the power to avert it, those who placed me here may be assured.*"

And why this renewal of agitation? Is it needed? Who demands it? Are the people in this tract of country waiting and beseeching the boon of some organization at our hands? By no means. And if it were so, why touch this troublous question? Why not enact the bill proposed in the last Congress? Why now open afresh the sleeping embers buried in ashes, which seemed to promise extinction final and

tranquil to the fires so long burning, so often threatening sectional discord?

We are brethren. Why not live in peace? We do not think alike. We never shall while we exist on this earth; but we formed our articles of association on the principle of compromise, and the vast majority of the inhabitants of the country are in principle opposed to the increase of slavery beyond the limits which a fair exposition of the true intent of the Constitution warrants.

The North are willing, they have proved themselves to be so, to defend their Southern brethren in the enjoyment of every right guaranteed to them by the Constitution; beyond that we cannot go, and the South must not ask it at our hands.

But, says the honorable gentleman from Virginia, (Mr. SMITH,) this bill now upon your calendar is intended to remedy "*an outrage*" upon the South of long standing. If it be so, then all those Southern gentlemen who have striven to carry the compromises of 1820 and 1850, are parties to the outrage. They certainly did think that when Missouri was admitted as a slave State, the South were obtaining an equivalent for the guarantee afforded by the eighth section of the act of admission. They thought that when Northern men so far strained their consciences as to aid in the passage of the fugitive slave act without providing for trial by jury, they were offering an equivalent for other measures of the same period. Ay, when honorable men from the South saw their fellow-citizens at the North counseling by word and example their brethren at the North to maintain all the acts of 1850, as a whole, for the sake of peace and union, however they might regard them separately, they little thought they would be charged as aiding to commit an outrage upon the South by sustaining the compromise measures.

Oh, shades of the departed Pinckney, Clay, Webster, ay, Calhoun, would that ye were here to testify as to this outrage; but had ye lived, it would have been unnecessary that the compeer of most of you should be called on to raise his arm and voice against those who, in despite of their previous protestations, are now so eager to lay ruthless hands upon the bond of peace—the Missouri compromise.

When I think of the departed, without at all disparaging the great men of the West or of the South, I cannot refrain from exclaiming, in the language of another, of him whom neither Massachusetts nor New England may appropriate as their own, but whose fame and talents are the property and the pride of this Union, and an honor to the Anglo-Saxon race:

"Thou should'st be living at this hour—
The world hath need of thee."

Yes, Mr. Chairman, had Daniel Webster's voice been heard in the Chamber at the other end of the Capitol on this question, no man would have been found bold enough to have charged him with favoring the repeal of the Missouri compromise. In the forcible words which he himself used in his speech at Buffalo, in May, 1851:

"I never would consent, and never have consented, that there should be one foot of slave territory beyond what the old thirteen States had at the time of the formation of the Union. Never, never! The man cannot show his face to me, and say he can prove that I ever departed from that doctrine. He would sneak away, and slink away, or hire a mercenary press to cry out, 'What an apostate from liberty Daniel Webster has become!' But he knows himself to be a hypocrite and a falsifier."

And again in the same speech, he says:

"I contend, and always have contended, that, after the adoption of the Constitution, any measure of the Government calculated to bring more slave territory into the United States, *was beyond the power of the Constitution and against its provisions.*"

I ask, with confidence, and fearlessly, would not the man that should have charged Daniel Webster with favoring the repeal of the Missouri compromise, have sneaked away from the withering look of his dark and awful frown?—yes, and forever afterwards have shunned his piercing glance.

Repeal it, why? To accomplish that which he had asserted to be unconstitutional; to repudiate an engagement voluntarily entered into to maintain the Union, and from which the South have thus far reaped the entire advantage, was he the man to counsel such proceedings? Never; never!

With a heart as large as his frame and his intellect, he always regarded the interests of the whole country; and whether nullification reared its threatening head at the South, or a strong aversion to the institution of slavery stood in the way of the enforcement of the provisions of the Constitution, in relation to the recovery of fugitive slaves at the North, he was equally and alike resolutely found on the side of the Constitution and the Union. He knew no North, no South; but, if he thought his own best friends, from his own section of country, were in error, he was prompt to utter "*vera pro gratis.*" His fidelity to the Constitution was so strong, and so controlling, as to overcome all party and sectional considerations. Where the Constitution lead, he followed; where that stopped, he halted. Hear his language at Niblo's gardens, on the exciting topic of slavery:

"All the stipulations, contained in the Constitution, *in favor of the slaveholding States* which were already in the Union, ought to be fulfilled, and so far as depends on me, shall be fulfilled, in the fullness of their spirit, and to the exactness of their letter."

Listen to the same voice when, on the 7th of March, he discusses the question of the necessity of applying the Wilmot proviso to the Territory of New Mexico. He says:

"Sir, whenever there is a substantial good to be done, whenever there is a foot of land to be staid back from becoming slave territory, I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges."

Listen once more. In the same speech, he says:

"Now, Mr. President, I have established, so far as I proposed to go into any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that *the whole territory of the States in the United States, or in the newly acquired territory of the United States, has a fixed and settled character, now fixed and settled by law which cannot be repealed.*"

I ask again, lives there the man who dares to say, or even to believe, that Daniel Webster, if living at the present time, would vote for, or approve of, the repeal of the Missouri compromise?

But, Mr. Chairman, I ask the attention of the committee for one moment, to the position of Mr. Clay upon this question. It has been so often referred to in this debate, that I will only allude to it for the purpose of corroborating my argument, by showing, that in the judgment of that great statesman and patriot, the Missouri compromise was effected by the instrumentality of Southern votes. Listen to his language on the 5th February, 1850. On that occasion he said:

"But the clause of 36 deg. 30 min., I repeat you will find, sir, if you will take the trouble to look into the Journals, was, upon three or four different occasions, offered. Mr. Thomas, acting in every instance, presented the proposition of 36 deg. 30 min.; and it was finally agreed to. But I take the occasion to say *that among those who agreed to that line were a majority of Southern members.* My friend from Alabama, in the Senate, (Mr. King,) Mr. Pinckney, from Maryland, and a majority of the Southern Senators in this body, voted in favor of the line of 36 deg 30 min.; and a majority of the Southern members in the other House, at the head of whom was Mr. Lowndes himself, voted also for that line. I have no doubt that I did also; but, as I was Speaker of the House, and as the Journal does not show which way the Speaker votes, except in the case of a tie, I am not able to tell with certainty how I actually did vote; *but I have no earthly doubt that I voted, in common with my other Southern friends, for the adoption of the line of 36 deg. 30 min.*"

But, Mr. Chairman, not only did Mr. Webster and Mr. Clay regard the act admitting Missouri into this Union as one and indivisible, and morally irrepealable, but so, also, in my judgment, did the great statesman of the South consider this as a foregone conclusion, and would never have counseled or sanctioned its repeal, and my belief rests upon

two considerations, viz: his own language in reply to Mr. Webster on the 7th March, 1850, and his extreme punctiliousness in the maintenance of plighted faith at any and every personal sacrifice.

It seems to me that his use of the word "*excluded*" on that occasion, is conclusive as to his view of this question as one which is finally settled.—(Cong. Globe vol. 21, part 1, p. 484.)

"Mr CALHOUN. One word, and I have done; and that word is, that, notwithstanding the acquisition of the vast territory of Texas, represented by the Senator from Massachusetts, it is the fact that all that addition to our territory made it by no means equal to what the Northern States had *EXCLUDED* us from before that acquisition."

"The territory lying west, between the Mississippi and the Rocky Mountains, is three fourths of the whole of Louisiana; and that which lies between the Mississippi and the Ohio, added to that, makes a much greater extent of territory than Florida and Texas, and that portion of Louisiana that has fallen to our share."

Not only will the repeal of the Missouri compromise be, in my judgment, a direct violation of good faith, and in entire contravention of the avowed understanding between leading men at the South and compromise men of 1850 at the North, in pursuance of which the measures of that year in Congress were to be acquiesced in as a final settlement of the slavery question, and further agitation and discussion of this subject were to be discountenanced; but it will of necessity impair confidence, and renew agitation of a more decided and alarming character than has hitherto existed.

Those who know me best will bear witness that I am neither an Abolitionist nor an alarmist; neither am I the friend or the apologist for slavery. I regard the institution as an evil, but one, so far as the States are concerned, beyond my reach or control. Yet, I do say to my brethren at the South, that they greatly misjudge the true state of public sentiment at the North, when they characterize the apprehension which we express as to the necessary and immediate effect of the proposed repeal upon the remaining compromises, as a threat. No, sir, not a threat; but a solemn, sad conviction, forced upon us by what we know of human nature, of the laws of cause and effect, and of the feelings of the millions who people the free States. It is not fiction; it is stern reality. A very intelligent friend at the North thus writes to me:

"I object to the Nebraska movement, that it prepares the way for everlasting agitation. Pass it, and it will be understood that henceforth compromises settle nothing. Pass it, and we shall have an agitation next year for its repeal or amendment. We shall have agitation, too, for amending the governments of Utah and New Mexico by applying the Wilmot proviso to them; an agitation for the repeal of the fugitive slave law, &c. And it will not be possible to

settle any of these agitations by another compromise, *because there will no longer be any faith in compromises.* The numerous thousands of voters who have abstained from Free-Soilism because they felt that compromises were binding, will no longer feel that restraint; but, on the contrary, will feel at perfect liberty to agitate against whatever does not accord with their own views. Every man will feel that he has as good a right as Mr. DOUGLAS to agitate in favor of his own 'great principle,' and against any compromise which seems to conflict with it. The age of compromises will have passed away, because nobody will any longer have any faith in them, and everything must henceforth be decided by the conflict of 'great principles.' It seems to me dangerous to start peoples' minds in this direction."

These are the sentiments of a calm, conservative mind—of one who has been opposed to agitation, and who has faithfully upheld the compromises of the Constitution. And I am confident that they are the convictions of multitudes of minds of the same class.

I had hoped, Mr. Chairman, that our Southern brethren would ere now have seen that this measure is uncalled for; not only *unsought*, but undesirable; that no good can flow from it, but only evil, and that continually; and seeing this, and being convinced that men in whom they have had confidence at the North have felt pained at the support which this measure of repeal has received from Southern Whigs and Democrats, they would have risen as one man and testified to the country that the agitating question was put at rest, and the project of repeal wholly abandoned.

In this I have thus far been disappointed, though some true and noble sons of the South have dared to maintain and contend for the preservation of plighted faith.

Sir, this measure cannot inure to the benefit of our beloved country in any manner; and should this bill become a law, it may prove a God-send to political Abolitionists, by giving them an excuse and material for renewed and increased agitation; but it will fill the patriot's heart with inexpressible sorrow.

The honorable gentleman, once the chief magistrate of the Old Dominion, now a member of this House, from one of the districts of Virginia, in his recent speech upon this question, alluded in terms of reproach to the course of *John Quincy Adams* in coming, as he expressed himself, into this Hall for the purpose of agitation, after filling the high and exalted offices with which he had been honored. Sir, Mr. Adams needs no defence for the noble example which he has given to this country of one who, after having ably and successfully filled the highest office in the gift of man, quietly retired to private life; and again, at the bidding of the sovereign people, who knew him best, because among them he had his earliest home, came into this Hall to give his

constituents and the country the benefit of his experience and wisdom. His name and his worth will be held in everlasting remembrance.

The same gentleman has not spared the Commonwealth which I have the honor in part to represent upon this floor, but has seen fit to rebuke her for the course which she pursued in relation to the mission of Hon. Samuel Hoar to South Carolina.

Sir, I would reply to that gentleman in the words of Daniel Webster :

"There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives at a southern port, these free colored men are taken on shore by the police or municipal authority, imprisoned, and kept in prison till the vessel is again ready to sail. This is not only irritating, but exceedingly unjustifiable and oppressive. Mr. Hoar's mission some time ago to South Carolina was a well-intended effort to remove this cause of complaint. The North thinks such imprisonments illegal and unconstitutional; and as the cases occur constantly and frequently, they regard it as a great grievance."

This, sir, is the whole case, and Massachusetts sought, in a quiet and friendly manner, to test the question in the proper courts. For this she is now reproved by the gentleman from Virginia. Sir, Massachusetts does not plead to the indictment. She does not recognize the right, to say nothing of the courtesy, of a gentleman from Virginia, to arraign her at this or any other bar, and I offer no defence in her behalf. When rightfully attacked, she will be manfully defended, and will ever be ready to have her acts, in this and every other respect, scrutinized by her peers.

Mr. Chairman, the proposed repeal of the Missouri compromise is a great *moral* as well as political question, involving, in my judgment, good faith between two parties to an agreement, which one party now seeks to be released from without consent of the other—in other words, without relinquishing the consideration which has been granted by the North to the South. At such a moment is it to be wondered at that the sentinels upon the watch towers should have felt called upon to lift up their voice and cry? Ay, that the ministers of the gospel should have come forward, unbidden, to testify against the perpetration of a great wrong, more especially when its effect is to consign to slavery that which by solemn compact had been dedicated to freedom? Sir, I should have been surprised if they had remained silent, and I honor them for their vigilance and unanimity in speaking as they have done, in phraseology of their own choice, but in tones which will and must be heard, felt, and heeded.

Mr. Chairman, I have a word to say upon the question of non-intervention—and but a word—and then I shall close my remarks, with a few comments upon the relation of this bill to our Indian tribes.

Until the second paragraph of the third section of the fourth article of the Constitution shall have been repealed or modified, Congress will have the power to regulate and prescribe rules for the government of the Territories of the United States. This is what has been the uniform practice up to the present time; and it is now proposed to do away with the exercise of this intervention, and to substitute "squatter sovereignty."

Hitherto the Territories have been regarded as the property of the States, to be managed as they thought best; they have been viewed as minors, having the germ of manhood, but not full grown—not of sufficient age, experience, or growth to assume the responsibilities or claim the privileges of a ripe majority.

Hence, the courts have been constituted on a different basis from those in the States; the judges have been appointed for a limited term, and removable during that term, if the Executive saw fit. The object and apparent necessity of this training is perfectly obvious. The Territories are spacious—very sparsely peopled—without law—filling up gradually with a heterogeneous population, composed of people of different nations, habits, and prejudices. The wise men who framed our Constitution, as well as those who have hitherto administered our Government, supposed that, in such a state of things, it was desirable that this crude mass of people should have time to become somewhat acquainted with each other, and to learn their wants, and become prepared to frame laws which should be adapted to their necessities.

After they have grown to maturity in numbers and experience, they have agreed upon a form of republican government, which has been accepted by Congress, and they have been admitted as members of this Confederacy. Is it wise for us to change this policy? Is it desirable that a ship load of emigrants should have the power to land at New York, and, after having traveled as far as Nebraska, should be empowered to establish a government, sovereign and independent, with all the essential elements of State sovereignty, except the right of representation in our National Senate, and of voting in the House of Representatives? Sir, it comes practically to this, and if gentlemen are really prepared to adopt the system of squatter sovereignty, and commit our Territories to such rule, I see but little advantage to be gained in retaining the name of Territories, or determining the number of inhabitants which shall be required to form a State. We may as well open our arms as wide as our invitation, and become at once a Union of squatter sovereignties. Shame on such legislation!

But, sir, there already are some inhabitants of the lands which are to constitute these Territories, which it is proposed by this bill to organize.

They are not squatters, nor aliens, but the aborigines of our country. They have been driven back from the shore where once in proud superiority and undisputed right they gazed upon the ocean which was outspread before them, little thinking what was to be their destiny, or how soon the approaching wave of civilization was to drive them back from their secure resting place. Yes, sir, wave after wave has rolled in upon the helpless Indian; he has been driven back; he has made a stand; has asserted his rights; bargained for a new position; receded back to occupy it; been overtaken by the ever-pressing tide rolling westward and farther west; again he paused, and again he treated; solemn and sacred pledges were offered that this treaty should be final. He whose will was law assured the red man that in this far off territory he should be forever safe and undisturbed.

But, Mr. Chairman, again the sea is lashed into a storm; again the ocean roar is heard; again the red man of the forest is to be pursued—not at once, I admit not at all, if he will sell out and move back; not till States are formed, if he persists in remaining, but then, the language of General Jackson will be quoted against him: "We cannot protect you in the limits of a sovereign State;" as you were forced from Georgia, so you must quit Nebraska. Methinks I see the Indian urged on by the advancing wave pressing still westward, till he finds himself in view of the vast Pacific ocean, and, as his eyes look in vain for other lands to which he may retire, he feels the force of the waves of the Pacific turned against him, and pressing him backward toward the Rocky Mountains. Sad and disconsolate, he yields himself without opposition, not even a struggle, to his destiny—saying by act, if not by word, what has already been so touchingly written of his race:

"In a little while, and they will go the way that their brethren have gone before. They will vanish like a vapor from the face of the earth; their very history will be lost in forgetfulness, and 'the places that now know them will know them no more forever.' Or if, perchance, some dubious memorial of them should survive, it may be in the romantic dreams of the poet to people in imagination his glades and groves, like the fawns, and satyrs, and sylvan deities of antiquity. But should he venture upon the dark story of their wrongs and wretchedness; should he tell how they were invaded, corrupted, despoiled, driven from their native abodes and the sepulchres of their fathers, hunted like wild beasts about the earth, and sent down with violence and butchery, to the grave, posterity will either turn with horror and incredulity from the tale, or blush with indignation at the inhumanity of their forefathers. 'We are driven back,' said an old warrior, 'until we can retreat no further; our hatchets are broken, our bows are snapped, our fires are nearly extinguished—a little longer and the white man will cease to persecute us, for we shall cease to exist.'